

Remarks

A. Pending Claims

Claims 4091-4093, 4095-4110, 4112-4123, 4125, 4126, 4128-4170, and 5396-5409 are currently pending. Claims 4091, 4107, 4115, 4116, 4122, 4128, 4170, 5400-5406, and 5408 have been amended. Claims 4115, 4116, 4122, 4128, 4170, 5402-5406, and 5408 have been amended for clarification and/or correction of typographical errors. Claim 4127 has been cancelled. Claim 5409 is new.

B. Provisional Double Patenting Rejection

The Examiner provisionally rejected claims 4091-4093, 4095-4110, 4112-4123, 4125-4170, and 5396-5408 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4150, 4152, 4153, 5398, 5399, 5405, and 5406 of copending Application No. 09/840,937; claims 4150, 4152, 4153, 5398, 5399, 5405, and 5406 of copending Application No. 09/841,288; claim 4136 of copending Application No. 09/841,300; claim 4138 of copending Application No. 09/841,438; claims 4150, 4152, 4153, 5398, 5399, 5405, and 5406 of copending Application No. 09/841,445; claim 4138 of copending Application No. 09/841,495; and claim 4135 of copending Application No. 09/841,639. Applicant respectfully requests reconsideration of the provisional double patenting rejections in light of the current amendments.

C. Claim Objections

The Examiner stated that claim 5400 was objected to because of the following informalities: "in line 4, after 'wherein'; please insert 'the'." Applicant believes that the amendment to claim 5400 remove the informality problem noted by the Examiner.

D. Allowable Subject Matter

In item 15 under the heading “Allowable Subject Matter” of the Office Action mailed July 21, 2003 (page 14), the Examiner states: “Claims 4116, 4127, 4165, 5405, and 5406 have been identified as including subject matter which is allowable over the prior art.” In Item 2 under the heading “Double Patenting” of the Office Action mailed July 21, 2003 (page 15), the Examiner states “claims 4150, 4152, 4153, 4135, 4136, 4138, 5398, and 5399 have been identified as including subject matter which is allowable over the prior art.”

Independent claim 4091 has been amended to include features of claim 5398. Amended claim 4091 describes a combination of features including: “wherein the system is configured to provide H₂ to at least some of the formation.” Independent claim 4107 has been amended to include features of claim 4127. Amended claim 4107 describes a combination of features including: “controlling the heat such that an average heating rate of the part of the formation is less than about 1 °C per day during pyrolysis”. Independent claim 5400 has been amended to include features of claim 4116. Amended claim 5400 describes a combination of features including: “flowing a corrosion inhibiting fluid into one of the open wellbores through a perforated tube that is disposed in the open wellbore.” Applicant respectfully requests removal of the rejection of claims 4091, 4107, 5400, and the claims dependent thereon.

Applicant respectfully disagrees with the Examiner’s anticipation and obviousness rejections of the claims. Applicant disagrees that the claims were anticipated by, or were obvious in light of, the cited prior art. In the interest of expediency, Applicant has amended the independent claims to include allowable subject matter.

D. Additional Comments

Applicant submits that all claims are in condition for allowance. Favorable consideration is respectfully requested.

A Fee Authorization is enclosed to cover charges associated with filing a Request for Continued Examination. Applicant believes that no other fees are due. If an extension of time is required, Applicant hereby requests the appropriate extension of time. If any additional fees are required or if any fees have been overpaid, please appropriately charge or credit those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5659-08200/EBM.

Respectfully submitted,



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